IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 6933 of 1997

Between:

1. The Depot Manager, APSRTC, Mehedipatnam Bus Depot,
   Mehedipatnam, Hyderabad.

2. The Depot Manager, APSRTC Bus Depot, Charminar
   (Now Called as Falaknuma)

..... PETITIONERS

AND

1 G.Narsi Reddy, S/o. G.Malla Reddy,
R/o. Chityal Village, Post & Mandal, Nalgonda District-508 114.

2 The Presiding Officer, Labour Court- I,
Hyderabad-1

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to the award in I.D. No. 104/94 dated 25.6.1996 on the file of the Labour Court-I, Hyderabad and quash the same as arbitrary, and illegal byway of issue of writ of Certiorari or any other appropriate writ or order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.T.M.PRASAD (S.C.FOR APSRTC)

Counsel for the Respondent No.1: MR.T.SURYA KARAN REDDY

Counsel for the Respondent No.2: GP FOR LABOUR

The Court made the following ORDER:

ORDER:

This writ petition is filed by the Corporation, aggrieved by the Award of the Labour Court-I, Hyderabad in I.D.No.104 of 1994 dated 25.06.1996, under which the order of removal from service was set aside and directed the petitioners to reinstate the first respondent into service without backwages but with continuity of service and other attendant benefits.

2. The first respondent-workman was appointed as a Conductor in the year 1973. While so, he was charge sheeted on the ground that he was absented from duty without obtaining prior permission and by an order dated 14.08.1975, he was removed from service. The workman filed an appeal before the Divisional Manager, APSRTC, Hyderabad, and the same was allowed in part by an order dated 04.03.1976. However, the Corporation did not allow him to join the duty. Therefore, the workman later approached the Labour Court raising an industrial dispute. The Labour Court, after considering the evidence adduced before it, did not agree with the disciplinary authority for passing an order without conducting enquiry contemplated under the regulations of the Corporation and held that the Management failed to prove any of the charges framed against the workman, hence, set aside the removal order passed by the Management and ordered reinstatement of the workman without backwages but with continuity of service and other attendant benefits. Aggrieved by that, the Management has come up with the present writ petition.

3. The learned counsel for the Management contended that the Tribunal was not justified in setting aside the order of removal especially when there was no evidence on the part of the workman showing any justifiable ground for his absence. The learned counsel also contended that the reinstatement order passed by the Tribunal after such a long lapse of time is not proper and just. Hence, he sought to set aside the order of the Tribunal.

4. The learned counsel for the first respondent-workman, however, supported the order passed by the Tribunal. It is contended that the first respondent worked in the Corporation for sufficient period and due to his ill-health he did not attend to his duties for a short period. Taking the absence as a ground, the Corporation has terminated the services of the workman without conducting any enquiry. Further, it is contended that when the workman filed an appeal before the Appellate Authority,

the same was allowed ordering reinstatement though without backwages, but the said order was also not implemented by the disciplinary authority – Depot Manager. Therefore, the workman was constrained to approach the Labour Court seeking appropriate relief. Hence, there are no merits warranting interference with the order of the Labour Court.

5. Heard both sides and considered the material available on record.

6. The dispute in this writ petition is whether the order passed by the Labour Court in I.D.No.104 of 1994 in ordering reinstatement of the first respondent - workman is proper and just.

7. It is not in dispute that the workman was appointed on regular basis, in the year 1973, as a Conductor in the Corporation. On the ground that he absented unauthorizedly for a period of two months, the Management-Corporation passed orders of removal. Though the said order of removal was set aside by the appellate authority, the workman was not taken back into service. Therefore, the workman was constrained to approach the Labour Court. The Labour Court, after considering the evidence produced before it, concluded that the removal order passed by the Management is not proper and just, and accordingly set aside the same. While granting relief, the Labour Court ordered only reinstatement without backwages but with continuity of services and other attendant benefits.

8. When the order of removal passed by the Depot Manager was set aside by the appellate authority, it was not proper and just on the part of the Corporation i.e., first petitioner in not taking back the workman into service. He ought to have been taken back into service as soon as the removal order was set aside by the appellate authority. But, as the workman was not taken back into service, he again approached the Labour Court and finally the Labour Court held that the removal order passed against him is illegal and accordingly set aside the same.

9. I do not find any illegality in the order passed by the Labour Court and as the workman has already been reinstated into service pursuant to the order passed by the Labour Court. There are no merits warranting interference by this Court.

10. The writ petition is accordingly dismissed. No costs.

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S.Ananda Reddy, J

11th November, 2004

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To

1. The Presiding Officer, Labour Court- I, Hyderabad-1
2. The Depot Manager, APSRTC, Mehedipatnam Bus Depot, Mehedipatnam, Hyderabad.
3. The Depot Manager, APSRTC Bus Depot, Charminar, Hyderabad. (now called as Falaknuma)
4. Two CCs to G.P. for Labour, High Court Buildings, Hyderabad.
5. Two CD Copies.